

ZB# 77-26

Frank & Philomena Aceto

21-2-9

Aceto, Frank & Philomena - Special Use Permit

#77-26

(3)

Public Hearing -

October 11, 1977

8 p.m.

Seymour Feinman -  
562-5264.

Attorney

# GENERAL RECEIPT

3443

Town of New Windsor, N. Y.

Regarding (Accto)

Oct. 18, 1977

Received of Seymour Feinman \$50.00

Fifty and 00/100

Dollars

For Variance Fee # 77-26

## DISTRIBUTION:

FUND	CODE	AMOUNT

BY

Charlotte Masadonia

TITLE

WILLIAMSON LAW BOOK CO., ROCHESTER, N. Y. 14609

21-2-9

ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

77-26  
(Number)

Sept. 21, 1977  
(Date)

I. Applicant information:

- (a) FRANCIS B. and PHILOMENA ACETO, 135 West Street, City of Newburgh  
(Name, address and phone of Applicant)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) SEYMOUR FEINMAN, ESQ. - 532 Blooming Grove Tpk., New Windsor, N.Y.  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of broker)

II. Application type:

- ☐ Use variance
- ☐ Area variance
- ☐ Sign variance
- ☒ Special permit

III. Property information:

- (a) PI 200 Union Avenue, New Windsor (M B L) (Lot size)  
(Zone) (Address)
- (b) What other zones lie within 500 ft.? R-4
- (c) Is a pending sale or lease subject to ZBA approval of this application? yes
- (d) When was property purchased by present owner? \_\_\_\_\_
- (e) Has property been subdivided previously? no When? -
- (f) Has property been subject of variance or special permit previously? no When? -
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? no. If so, when -
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. \_\_\_\_\_

Sept. 21, 1977  
(Date)

I. Applicant information:

- (a) FRANCIS B. and PHILOMENA ACETO, 135 West Street, City of Newburgh  
(Name, address and phone of Applicant)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) SEYMOUR FEINMAN, ESQ. - 532 Blooming Grove Tpk., New Windsor, N.Y.  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
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- (b) What other zones lie within 500 ft.? R-4
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- (e) Has property been subdivided previously? no When? -
- (f) Has property been subject of variance or special permit previously? no When? -
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? no. If so, when -
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IV. Use variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_, to allow

(Describe proposed use)

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.



V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

\* Residential districts only

\*\* Non-residential districts only

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.



V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____%	_____%	_____%
Floor Area Ratio** _____	_____	_____

\* Residential districts only

\*\* Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.

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☐ VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

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- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law,  
Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

(b) Describe in detail the sign(s) for which you seek a  
variance, and set forth your reasons for requiring  
extra or oversize signs.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(c) What is total area in square feet of all signs on premises including  
signs on windows, face of building, and free-standing signs?

\_\_\_\_\_

☒ VII. Special Permit:

- (a) Special permit requested under New Windsor Zoning Local Law, Section 48-9, Table Use Regs., Column B.
- (b) Describe in detail the use and structures proposed for the special permit.

premises are to be used as an automobile repair garage and  
service center. Structure will not be changed. The above use  
will include body work.

☒ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

No junk cars will be stored outside of the structure.

☒ IX. Attachments required:

- Copy of letter of referral from Building and Zoning Inspector.
- x   Copy of contract of sale, lease or franchise agreement.
- x   Copy of tax map showing adjacent properties
- Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- Copy(ies) of sign(s) with dimensions.
- x   Check in amount of \$ 50.00 payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping.
- All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.

Other

premises are to be used as an automobile repair garage and  
service center. Structure will not be changed. The above use  
will include body work.

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  x   Copy of contract of sale, lease or franchise agreement.

  x   Copy of tax map showing adjacent properties

     Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.

     Copy(ies) of sign(s) with dimensions.

  x   Check in amount of \$50.00 payable to Town of New Windsor.

Photos of existing premises which show all present signs and landscaping.

All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.

     Other

NOT AFFIDAVIT.

Date September 27<sup>th</sup> 1977

STATE OF NEW YORK)  
                                  ) SS.:  
COUNTY OF ORANGE )

The Undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Sworn to before me this

2nd day of September, 1977.

*Vivian J. Kramer*

VIVIAN J. KRAMER

Notary Public, State of New York  
Appointed in Orange County.

Commission Expires March 30, 1979

*Francis B. Aceto*  
(Applicant) FRANCIS B. ACETO

*Philomena Aceto*  
PHILOMENA ACETO

XI. ZBA Action:

- (a) Public Hearing date \_\_\_\_\_
- (b) Variance is \_\_\_\_\_
- (c) Special Permit is \_\_\_\_\_
- (c) Conditions and safeguards \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

A FORMAL DECISION WILL FOLLOW  
WHICH WILL BE ADOPTED BY RESO-  
LUTION OF ZONING BOARD OF APPEALS.

information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Francis B. Aceto  
(Applicant) FRANCIS B. ACETO  
Philomena Aceto  
PHILOMENA ACETO

Sworn to before me this

2nd day of September, 1977.

Vivian J. Kramer

VIVIAN J. KRAMER  
Notary Public, State of New York  
Appointed in Orange County  
Commission Expires March 30, 1979

XI. ZBA Action:

- (a) Public Hearing date \_\_\_\_\_
- (b) Variance is \_\_\_\_\_
- (c) Special Permit is \_\_\_\_\_
- (c) Conditions and safeguards \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

A FORMAL DECISION WILL FOLLOW  
WHICH WILL BE ADOPTED BY RESO-  
LUTION OF ZONING BOARD OF APPEALS.

555 Union Avenue  
New Windsor, N.Y. 12550  
November 16, 1977

Seymour Feinman, Esq.  
532 Blooming Grove Tpk.  
New Windsor, N.Y. 12550

RE: APPLICATION FOR SPECIAL USE PERMIT - FRANK ACETO  
Application #77-26

Dear Mr. Feinman:

Enclosed please find formal decision which was acted upon at  
the November 14, 1977 meeting of the Zoning Board of Appeals.

Very truly yours,

PATRICIA RAZANSKY, Secretary

/pr

Enclosure

ZONING BOARD OF APPEALS ; TOWN OF NEW WINDSOR

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In the Matter of the Application of  
FRANK ACETO and PHILOMENA ACETO  
for Special Use Permit #77-26

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DECISION GRANTING  
SPECIAL USE PERMIT

WHEREAS, FRANK ACETO and PHILOMENA ACETO of Newburgh, New York, filed an application No. 77-26 for a special use permit for the property located at 200 Union Avenue, Town of New Windsor, N. Y.; and

WHEREAS, a public hearing on this application for a special use permit was held by the Zoning Board of Appeals on the 11th day of October, 1977 at the Town Hall of the Town of New Windsor after due notice by publication and due notice to residents and businesses within 500 feet of the subject premises; and

WHEREAS, at said hearing the petitioning parties were represented by Seymour Feinman, Esq., attorney at law, and no opposition having appeared to the application before the Board; and

WHEREAS, the Zoning Board of Appeals makes the following findings of fact in this application:

1. That the applicant intends to operate a general auto repair shop on the premises, to include body repair work.
2. That there will be no outside storage of automobiles, only the automobiles which are being worked on or awaiting repairs, limited to 4 automobiles.
3. That this site has always been used as a type of service station and is presently vacant.

NOW THEREFORE BE IT RESOLVED that the Zoning Board of Appeals of the Town of New Windsor hereby grants the special use permit as requested hereinabove.

BE IT FURTHER RESOLVED that the Secretary of the Zoning Board of Appeals is directed to forward a copy of this decision to the applicant, the Town Planning Board, and the Town Clerk.

Dated: November 16, 1977.

  
\_\_\_\_\_  
THEODORE JAROSTORFF, Chairman



cc: Seymour Teinman Esq.  
10/13/77 - PR  
COUNTY OF ORANGE

OCT 18 1977

Department of Planning  
124 MAIN STREET (1887 Building)  
GOSHEN, NEW YORK 10924  
TEL. (914) 294-5151

Peter Garrison, AIP, Commissioner

Edwin J. Garling, AIP, Deputy Commissioner

October 14, 1977

Mr. Theodore Jargstorf, Chairman  
c/o Patricia Razansky, Secretary  
New Windsor Zoning Board of Appeals  
Town Hall  
555 Union Avenue  
New Windsor, New York 12550

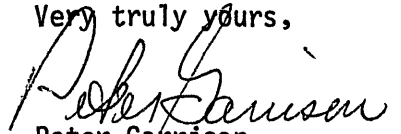
Re: Special Permit -Aceto  
Union Avenue (Cty. Rd. 69)

Dear Mr. Jargstorf:

We have received the above application submitted in accordance with the provisions of Section 239, 1 and m, Article 12-B of the General Municipal Law of the State of New York.

We have no objection to the proposal and hereby return the matter for final local determination. However, the Orange County Department of Public Works may be required to review the proposal. Such would depend on any contemplated site improvements and should be determined prior to final approval by your Board and/or the Planning Board.

Very truly yours,

  
Peter Garrison  
Commissioner of Planning

PG/jm



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman  
Ellsworth E Weyant  
555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

m-g.

AEI Orange Realty Corp.  
Union & MacArthur Avenue  
New Windsor, N.Y. 12550

✓ Borchert, Ernest H. & Ernest H. Jr. &  
Robert A.  
Marlboro, New York 12542

✓ Van Buren, Joseph & Katherine  
12 Jaeger Drive  
Cornwall N.Y. 12518

✓ Masloski, Joseph  
24 Lannis Avenue  
New Windsor, N.Y. 12550

Consolidated Rail Corp.  
Tax Dept. Room 1310  
6 Penn Center Plaza  
Philadelphia, Pennsylvania 19104

✓ Town of New Windsor  
555 Union Avenue  
New Windsor, N.Y. 12550

Respectfully submitted,

✓ Thole, Marilyn  
231 MacArthur Avenue  
New Windsor, N.Y. 12550

*Ellsworth E. Weyant*  
ELLSWORTH E. WEYANT  
Sole Assessor  
Town of New Windsor

✓ Walker, Bonnie J.  
233 Mac Arthur Avenue  
New Windsor, N.Y. 12550

✓ Jaczko, John & Anna  
186 Union Avenue  
New Windsor, N.Y. 12550

✓ Grieco, Ernest & Agnes  
184 Union Avenue  
New Windsor, N.Y. 12550

✓ The Newburgh Woodlawn Cemetary Assoc.  
Box 203  
Newburgh, N.Y. 12550

✓ Equipment Rebuilders Holding Corp.  
617 Broadway  
Westwood, New Jersey 07675

PUBLIC NOTICE OF HEARING BEFORE

THE ZONING BOARD OF APPEALS

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the  
TOWN OF NEW WINDSOR, New York will hold a public hearing pursuant  
to Section 48-33A of the Zoning Ordinance on the following  
proposition:

Appeal No. 26

Request of FRANCIS B. ACETO and PHILOMENA ACETO

for a ~~Variance~~ Special Use Permit of the  
regulations of the Zoning Local Law, to permit  
premises to be used as a body repair shop

being a ~~Variance~~ Special Use Permit of  
Section 48-9 Table of Use Regulations - Column B.  
for property situated at:

200 Union Avenue, Town of New Windsor, N. Y.

SAID HEARING will take place on the 11th day of October, 1977,  
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.  
beginning at 8 o'clock P. M.

THEODORE JARGSTORFF  
Chairman

**Memo**

FROM:

OFFICE OF THE TOWN ENGINEER Bldg./Zoning Inspector

555 UNION AVENUE

TOWN OF NEW WINDSOR

NEW WINDSOR, NEW YORK 12550

PHONE 565 8802

TO:

Zoning Board of Appeals

DATE:

June 13, 1977

SUBJECT:

Chips Auto Center

—FOLD HERE—

This property has been used as a Gasoline Service Station for many years and has a non-conforming use, since it is located in a Planned Industrial Zone--a use not permitted in PI.

Mr. Reistad would like to discontinue the use of gasoline sales and operate the premises as a body shop and also paint cars.

It is my opinion that the change of use from a Gasoline Service station to a Repair Garage would require a special permit from the Zoning Board of Appeals.

Mr. Reistad has requested a C/O to operate a Body Repair shop.

Before a C/O is issued, a special permit would be required from the Zoning Board of Appeals.

cc: Mrs. Reistad  
Hrc/mfb

by Howard R. Collett  
Bldg./Zoning Inspector

7/7-20

①

(26A  
next agenda)

6/27/77

Roy To handle.

shall include all spaces not otherwise excluded above, such as principal rooms, utility rooms, bathrooms, all closets and hallways opening directly into any room within the dwelling unit and all attic space having a clear height of six (6) feet from finished floor level to the pitch of roof rafters with a clear height of seven (7) feet six (6) inches from finished floor level to ceiling level over fifty percent (50%) of the area of such attic space

**FLOOR AREA RATIO** — The floor area in square feet of all buildings on a lot divided by the area of such lot in square feet

**GARAGE, PRIVATE** — An enclosed space for the storage of one (1) or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one (1) car is leased to a nonresident of the premises.

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**GARAGE, REPAIR** — Any garage, other than a private garage, available to the public, operated for gain and which is used for the storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles

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**GASOLINE SERVICE STATION** — A building or other structure or a tract of land used or heretofore used primarily for the servicing of motor vehicles. It shall signify a retail place of business engaged primarily in the sale of motor fuels, and also in supplying goods and services generally required in the operation and maintenance of motor vehicles, including the sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication services, and the performance of routine automotive maintenance and repairs

**HEIGHT** — The vertical distance measured from the average elevation of the finished grade along the side of the structure fronting on the nearest street to the highest point of such structure, excluding a chimney.

*Seymour Feinman*  
ATTORNEY AT LAW

WARREN GREER

532 BLOOMING GROVE TURNPIKE

NEWBURGH, NEW YORK 12550

(914) 562-5264  
(914) 562-5265

October 5, 1977

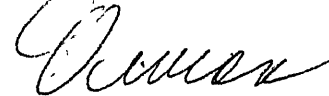
Ms. Patricia Razansky  
New Windsor Zoning Board of Appeals  
555 Union Avenue  
New Windsor, New York 12550

Re: Aceto

Dear Pat:

Enclosed herewith photocopy of application you requested  
today.

Yours very truly,



Vivian J. Kramer

vk  
Encl.

Copy Sent - 10/6/77 - R.

B.

ORANGE COUNTY DEPARTMENT OF PLANNING  
APPLICATION FOR MANDATORY COUNTY REVIEW  
OF LOCAL PLANNING ACTION  
(Variances, Zone Changes, Special Permits, Subdivisions)

Section A. - To be completed by Local Board having jurisdiction.  
To be signed by Local Official.

Local File No. 7726

1. Municipality Town of New Windsor Public Hearing Date 10/11/77

☐ City, Town or Village Board ☐ Planning Board ☒ Zoning Board of Appeals

2. Applicant: NAME Aceto, Frank & Philomena

Address 200 Union Ave., New Windsor

Attorney, ~~Engineer, Architect~~ Seymour Feinman, Esq.

3. Location of Site: 200 Union Avenue - near Erie Avenue  
(street or highway, plus nearest intersection)

Tax Map Identification: Section \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Present Zoning District PI Size of Parcel \_\_\_\_\_

4. Type of Review:

☒ Special Permit Use\* Request for repair garage - Property now vacant but previously used as gasoline sales use.

☐ Variance\* Use \_\_\_\_\_  
Area \_\_\_\_\_

☐ Zone Change\* From: \_\_\_\_\_ To: \_\_\_\_\_

☐ Zoning Amendment\* To Section: \_\_\_\_\_

☐ Subdivision\*\* Major \_\_\_\_\_ Minor \_\_\_\_\_

10/6/77  
Date

Patricia Ragansky Secretary  
Signature and Title ZBA

\*Cite Section of Zoning Regulations where pertinent  
\*\*Three (3) copies of map must be submitted if located along County Highway, otherwise, submit two (2) copies of map.

OCPD-1

555 Union Avenue  
New Windsor, N. Y. 12550  
October 4, 1977

Hank Van Leeuwen, Chairman  
New Windsor Planning Board  
555 Union Avenue  
New Windsor, N. Y. 12550

RE: PUBLIC HEARING BEFORE ZONING BOARD OF APPEALS  
ACETO APPLICATION #77-26

Dear Hank:

Kindly be advised that Frank and Philomena Aceto are scheduled to appear before the Zoning Board of Appeals at a public hearing on Tuesday evening, October 11, 1977 at 8 p.m. on an application for special use permit.

I have attached herewith a copy of the application and public hearing notice which appeared in The Evening Newsson October 1, 1977.

Very truly yours,

PATRICIA RAZANSKY, Secretary

/pr

Enclosure

cc: Howard Collett, Bldg./Zoning Inspector